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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,225	11/20/2001	Gianluigi Gamberini	377/9-1616	9685

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EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,225

Applicant(s)

GAMBERINI

Examiner

John R. Paradiso

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "series of channels" (claim 1 line 4 and claim 12 line 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 5, it is unclear what is meant by "selected positions".

In claim 1 line 12, the phrase "aimed at" is undefined.

In claim 8 line 2, the phrase "aimed at" is undefined.

In claim 12 line 11, the phrase "aimed at" is undefined.

In claim 17 line 11, the phrase "aimed at" is undefined.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over CINOTTI (US 5331788) in view of ISANI ET AL (US 5600935).

CINOTTI discloses a device for packaging rolls (4) in web material (2) in which the rolls are moved by means of a pusher (3) through a channel, past the plane of the web, and the web is folded around by means of movable, overlapping plates (20, 21). The rolls have an upper delimiting means comprising a conveyor (51), whose movement is synchronized with the forming of and wrapping of the groups of rolls. Front and rear delimiting means (5, 8) hold the group of rolls in position. (See CINOTTI column 2 line 58 to column 3 line 33, column 3 line 53 to column 4 line 5, and Figures 1 and 3.)

CINOTTI does not disclose the pusher having a quadrangular path.

ISANI ET AL discloses a packaging device in which groups of articles are moved to a wrapping station by means of a pusher (63), which moves in a quadrangular manner in order to move out of the path of loading when not on a push stroke of the cycle. (See ISANI ET AL column 8 line 23 to column 9 line 61 and Figure 1.)

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pusher arrangement of ISANI ET AL in the invention of CINOTTI in order to provide for larger sized groups of articles to be packaged in a streamlined and therefore faster manner.

Regarding claims 1 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple conveyors to more securely and precisely hold and move the group of rolls in the combination of CINOTTI and ISANI ET AL, since it has been held that mere duplication of the essential working parts of a device involves only routine skill In the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 10 and 19, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the delimiting means in the combination of CINOTTI and ISANI ET AL movable with respect to one another in order to accommodate different sized groups of rolls, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

*Reference Citations*

6. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- FOCKE discloses a device for packaging articles in a web.
- NORDSTROM discloses a device for packaging groups of rolls (30) in sheet material.
- GENTILI ET AL discloses a device for wrapping articles by U-folding.
- GOODMAN discloses a device for packaging articles with an article pusher that moves in a quadrangular pattern.
- LEUVERING discloses a device for grouping articles in staggered layers.
- VADAS discloses a device for packaging articles with staggered pushers moving different layers of articles.
- YUYAMA ET AL discloses a device for packaging articles including swinging arms (52) for holding and releasing articles.
- KALANY ET AL discloses a device for packaging articles using multiple pushers following a cammed path.

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*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center receptionist.



Examiner John Paradiso: (703) 308-2825

May 4, 2003

Additional Phone Numbers

Supervisor Rinaldi Rada: (703) 308-2187  
Receptionist: (703) 308-1148  
Customer Service: (703) 872-9301

Fax (Direct to Examiner): (703) 746-3253  
Fax (TC 3700 Official): (703) 872-9302  
Fax (TC 3700 After Final): (703) 872-9303